

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JENNIFER A. CASTILLO,)
Plaintiff,) CASE NO. C11-1040-MJP
v.)
MICHAEL ASTRUE,) REPORT AND RECOMMENDATION
Commissioner of Social Security,)
Defendant.)

Plaintiff brought this action to seek judicial review of the denial of her application for Disability Insurance Benefits by the Commissioner of the Social Security Administration. The parties have now stipulated that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. 22.)

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings. The parties have stipulated that, on remand, the Administrative Law Judge (ALJ) will: (1) provide a *de novo* hearing and a new decision pursuant to sentence four of 42 U.S.C. § 405(g); (2) re-assess all of

01 the medical evidence of record, including, but not limited to, the evidence concerning the
02 mental impairments diagnosed by treating sources during the relevant period; (3) if necessary,
03 obtain evidence from a medical expert to assist in assessing the nature and severity of the
04 mental impairments during the period under consideration; (4) evaluate the mental impairments
05 in accordance with the special technique described in 20 C.F.R. 404.1520a, documenting
06 application of the technique by providing specific findings and appropriate supporting rationale
07 for each of the functional areas described in 20 C.F.R. 404.1520a(c); (5) comply with HALLEX
08 1-2-6-58 with regard to considering evidence and include evidence from the prior claim as
09 exhibits in the current claim; (6) further consider plaintiff's maximum physical and residual
10 functional capacity during the period at issue and provide rationale with specific references to
11 evidence of record in support of the assessed limitations; (7) if plaintiff does have significant
12 nonexertional limitations during the period under consideration, obtain supplemental evidence
13 from a vocational expert to clarify the effect of the assessed limitations on plaintiff's
14 occupational base and assist in determining if the limitations prevent plaintiff from performing
15 past relevant work; (8) if appropriate, proceed to step five of the sequential evaluation process;
16 and (9) remove from the record any evidence which does not pertain to plaintiff and ensure that
17 only evidence pertaining to plaintiff will be entered into the record and considered in reaching
18 the decision. Additionally, the Court will consider, upon proper application, an award of
19 reasonable attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

20 Given the above, the Court recommends that United States District Judge Marsha J.
21 Pechman immediately approve this Report and Recommendation and order the case
22 REVERSED and REMANDED for further administrative proceedings. A proposed order

01 accompanies this Report and Recommendation.

02 DATED this 14th day of December, 2011.

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05 Mary Alice Theiler
06 United States Magistrate Judge
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